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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

KIM, PAUL

ART UNIT PAPER NUMBER

2161

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,567

Applicant(s)

O'FARRELL ET AL.

Examiner

Paul Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/10/04, 11/19/04, 1/30/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to the following communication: Original application filed on 7 April 2004.
2. Claims 1-17 are pending and present for examination. Claims 1, 7 and 12 are independent.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-2, 4-10, 12-13 and 15-17** are rejected under 35 U.S.C. 102(e) as being anticipated by Criss et al (U.S. Patent No. 6,968,184, hereinafter referred to as CRISS), filed on 18 August 2003, and issued on 22 November 2005.
5. **As per independent claims 1, 7 and 12, CRISS teaches:**

A method of change management for a mobile data system having a mobile client device that shares data with multiple enterprise data sources, the method comprising:

receiving a communication request from the mobile client device to establish communications with a server of the mobile data system, wherein the communication request includes data that identifies one or more applications installed at the mobile client device {See CRISS, C2:L60-C3:L1, wherein this reads over "the mobile device wirelessly transmits to the host computer the indicia identifying the version of its operating software" and "[t]he host computer performs a comparison of the version indicia provided from the mobile device with information identifying the version of corresponding operating software presently stored with an FTP or TFTP server which maintains the latest version available for each operating software"};

determining if an update package is available for the identified application at the client device {See CRISS, C3:L1-4, wherein this reads over "[i]f the host computer determines the mobile device is not running the latest version of the operating software, the host computer transmits a request to the mobile device to have its operating software updated"}; and

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downloading the update package to the mobile client device and updating the identified application at the mobile client device {See CRISS, C3:L1-4, wherein this reads over "[i]f the host computer determines the mobile device is not running the latest version of the operating software, the host computer transmits a request to the mobile device to have its operating software updated"}.

6. **As per dependent claims 2, 10 and 13**, it would be inherent that the claimed invention include a process wherein the identified application is initially installed on the mobile client device since without such initial installation, there would be no reason for the method of change management to determine if the identification application needed updating.

7. **As per dependent claims 4 and 15**, CRISS teaches:

A method as defined in claim 1, wherein determining if an update package is available comprises:

determining a version number for the identified application installed at the mobile client device {See CRISS, C7:L36-39, wherein this reads over "just following the boot up routine, or any time thereafter, the host computer 30 requests from the mobile terminal indicia which identifies which version of operating software the mobile terminal is running"};

identifying an update package for the identified application {See CRISS, C7:L62-64, wherein this reads over "[i]ncluded with each version of operating software is a unique identifier indicative of the particular version"; and C7:L67-C7:L3, wherein this reads over "the system administrator updates the host computer with sufficient information to communicate those fields provided in the package definition files"}; and

installing the update package at the mobile client device to replace the previous version of the identified application {See CRISS, C3:L41-47, wherein this reads over "wirelessly updating the operating software stored in the at least one mobile device if it is determined that the operating software stored in the at least one mobile device is not the current version"}.

8. **As per dependent claims 5, 8 and 16**, CRISS teaches:

A method as defined in claim 4, wherein determining a version number comprises receiving data from the mobile client in a predetermined format for the identified application and determining the version number in accordance with the data format {See CRISS, Figures 5a-5d}.

9. **As per dependent claims 6, 9 and 17**, CRISS teaches:

A method as defined in claim 1, wherein the communication request identifies all installed applications at the mobile client device {See CRISS, C2:L55-60, wherein this reads over "a host computer coupled to the backbone queries the mobile device for indicia identifying the version of operating software stored in the mobile device"}.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 3, 11 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over CRISS in view of Official Notice.

12. **As per dependent claims 3, 11 and 14**, CRISS, in view of Official Notice, discloses:

A method as defined in claim 2, wherein the subscription process comprises:

identifying a user at the mobile client device {See CRISS, C5:L55-60, wherein this reads over "a host coupled to the backbone queries the mobile device for indicia identifying the version of operating software stored in the mobile device"};

downloading a Client Framework to the mobile client device {See CRISS, C3:L4-8, wherein this reads over "the mobile device communicates . . . to have the latest versions of software downloaded"}; and

receiving data comprising at least one from the group of Metadata, Customer Data Definition, Customer Business Data, and runtime files for the identified application, wherein the received data is overwritten to any prior corresponding application files previously installed at the mobile client device {See Official Notice below}.

It would have been obvious to one ordinary skill in the art at the time the invention was made to overwrite the prior corresponding application files (e.g. metadata, Customer Data Definition, Customer Business Data, and runtime files for the identified application) since upon update of the identified application, one would not want to lose, by deletion and overwrite, but maintain the accumulated files corresponding to the application.

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Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chase can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Kim
Patent Examiner, Art Unit 2161
TECH Center 2100


SAM RIMELL
PRIMARY EXAMINER